IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 170 OF 2004

Vivek Krishnaji Velankar ...Petitioner

Versus

State of Maharashtra and others ... Respondents

Mr. Tejas Dande for the petitioner.
Mr. P.M. Patil, Assistant Government Pleader, for respondent No.1.
Mr. R.G. Ketkar for respondent Nos. 2 to 4.
Dr. Virendra V. Tulzapurkar, Senior Advocate, instructed by Mr. P.S. Dani, for respondent No.5.

CORAM: **H.S. BEDI, C.J.,** &
V.M. KANADE, J.

DATE: **NOVEMBER 30, 2006**.

P.C.

One of the issues raised by the petitioner in this PIL is with regard to the permission given to the builders to cut the trees which are said to be obstructing the on-going construction. For this purpose, the petitioner has put on record Exhibits-D and E to the petition to show that an application had been made to the Tree Authority for cutting 329 trees. A recommendation has also been made to the Tree Authority that the trees be cut.

2. In the reply filed by the Corporation, it has been, however, specifically averred in paragraph 14 that no final decision had been taken by the Tree Authority on the said application. We are, therefore, of the opinion that the petition is premature. We, however, leave it to the petitioner that in case the permission to cut the trees is allowed, the petitioner would be at liberty to approach this Court yet again and that till the decision is finally taken by the Tree Authority, the trees in question will not be cut. The petitioner is also permitted to seek a hearing before the Tree Authority before any final order is made by it. This PIL is accordingly disposed of.

CHIEF JUSTICE

V.M. KANADE, J.